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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,312	04/05/2001	Hiroshi Wanibuchi	83020.0002	6572

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EXAMINER

TRAN, LY T

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,312

Applicant(s)

WANIBUCHI ET AL. 

Examiner

Ly T TRAN

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 6-23, 25-34, 24/4, 6-23, 25-34 is/are allowed.
- 6) ☒ Claim(s) 5, 2, 3, 24/2, 3, 5 is/are rejected.
- 7) ☒ Claim(s) 35-42, 24/35-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

1. Claims 2-3, 5, 24/2, 3, 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Pham et al. (USPN 6,189,999).

With respect to claim 5, Pham et al. discloses a cleaning device for cleaning a nozzle surface of an ink jet head comprising:

- A first wiping member for wiping the nozzle surface (Fig.2: element 90, Column 8; line 14-16)
- A cleaner lever for supporting the first wiping member (Fig.2: element 85)
- A lever driving mechanism moving the first wiping member between a retracted position located away from the nozzle surface and a wiping position for wiping the nozzle surface (Column 7: line 23-24, 38-45, Fig.2: element 85)

- A flat plate form second wiping member formed of an elastic body arranged within a moving path of the first wiping member so as to contact with the first wiping member (Fig.5: element 122, Column 12: line 59-64)
- Wherein a tip end surface of the first wiping member first comes in substantially perpendicular contact with a side surface of the second wiping member and then moves across the side surface (Fig.5)

With respect to claim 2, Pham et al discloses:

- The first wiping member (90) is designed to move between the retracted position and wiping position located above retracted position, by moving a cleaner lever (Fig.2)
- The second wiping member is arranged above the retracted position and below the wiping position (Fig.5: element 122)

With respect to claim 3, Pham et al discloses the cleaner lever has a third wiping member, which is able to contact with the second wiping member while the cleaner lever is moving (Column 7: line 23-30: since wiper 90 is contacted with the second wiper, therefore the third or fourth wiper also contact the second wiper).

With respect to claim 24/2, 3, 5, Pham et al discloses:

- An ink jet head (Fig.2: element 20)
- A cleaning device which is arranged offsetting from a printing region of the ink jet head (Fig.2).

Allowable Subject Matter

2. Claims 4, 6-23, 25-34 are allowed.

The primary reason for the allowance of claims 4, 25-34 and 24/4, 25-34 is the inclusion of an apparatus of a cleaning device comprising a combination of a first supporting member, second supporting member wherein a length of a portion of the second wiping member projecting from the first supporting member is greater than a length of a portion of the second wiping member projecting from the second supporting member. It is this structure found in each of the claims, as it is claimed in the combination, that has not been found, taught, or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 6-13 and 24/6-13 is the inclusion of an apparatus of a cleaning device comprising a combination of a lever driving mechanism includes a friction type clutch lever which is frictionally engaged with one of gears constituting the gear train by means of a predetermined biasing force and is arranged coaxially with the gear and a tooth portion formed on the clutch lever which engages with the gear train when the clutch lever is in a predetermined rotational angular range. It is this structure found in each of the claims, as it is claimed in the combination, that has not been found, taught, or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 14-20 and 24/14-20 is the inclusion of an apparatus of a cleaning device comprising a combination of a lever driving mechanism includes a friction type clutch lever which is frictionally engaged with

Art Unit: 2853

one of gears constituting the gear train by means of a predetermined biasing force and is arranged coaxially with the gear and a tooth portion formed on the clutch lever which engages with the gear train when the clutch lever is in a predetermined rotational angular range. It is this structure found in each of the claims, as it is claimed in the combination, that has not been found, taught, or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 21-23 and 24/21-23 is the inclusion of a combination of apparatus of a cleaning device comprising a lock lever for locking the ink jet head at a predetermined position and a second cam mechanism from converting rotation of clutch lever into movement of the lock lever. It is this structure found in each of the claims, as it is claimed in the combination, that has not been found, taught, or suggested by the prior art of record which makes these claims allowable over the prior art.

3. Claims 35-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 35-42 and 24/35-42 appear to be allowable over the prior art of record because at least the prior art has not been found to anticipate or disclose or teach the combination of a lever driving mechanism includes a friction type clutch lever which is frictionally engaged with one of gears constituting the gear train by means of a predetermined biasing force and is arranged coaxially with the gear and a tooth portion

Art Unit: 2853

formed on the clutch lever which engages with the gear train when the clutch lever is in a predetermined rotational angular range.

Response to Arguments

4. Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argument that Holbrook does not disclose the feature of amended claim such as wherein a tip end surface of the first wiping member first comes in substantially perpendicular contact with a side surface of the second wiping member and then moves across the side surface is persuasive but is now rejected under Pham et al (USPN 6,189,999)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


Art Unit: 2853

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T TRAN whose telephone number is 703-308-0752. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0967.


Trinh Nguyen
Primary Examiner
Technology Center 2800


November 13, 2002